

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 9-19 are pending in this application.

Claims 20-30 have been canceled without prejudice. Claim 9 has been amended to correct a minor typographical omission.

Information Disclosure Statement:

A Form PTO-1449 was filed in the present application on December 10, 2003. The Form PTO-1449 was partially initialed and returned with the Office Action. The Form PTO-1449 cited the reference Hellebrand et al, "Large Piezoelectric Monolithic Multilayer Actuators." This reference was not initialed as being considered (or lined-through) on the returned Form PTO-1449. Applicant respectfully requests appropriate correction. For the Examiner's convenience, Applicant has attached hereto another Form PTO-1449 citing the Hellebrand et al reference and another copy of the reference itself. Applicant notes that this reference was initialed as being fully considered in parent U.S. application no. 09/866,677.

The attached Form PTO-1449 also cites reference EP 0 921 302 A2. This reference was cited on the Form PTO-1449 filed on December 10, 2003. However, this reference was lined through on the returned Form PTO-1449. Applicant fails to understand why this reference was lined through. First, this reference is in the English language. Moreover, this reference was initialed as

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being fully considered in U.S. parent application no. 09/866,677. For the Examiner's convenience, Applicant has provided another copy of this reference.

Under the present circumstances, no fee is deemed necessary for consideration of the attached Form PTO-1449 and cited references. However, should the Patent Office determine to the contrary, the Patent Office is authorized to charge the amount (\$180) under 37 CFR §1.17(p) required for consideration of the Form PTO-1449 and cited references to Account No. 14-1140.

Applicant thus respectfully requests that the attached Form PTO-1449 be fully initialed as an indication that the cited references have been considered and respectfully requests that the fully initialed Form PTO-1449 be returned.

Allowable Subject Matter:

Applicant notes with appreciation the indication that claims 10-11 and 16-19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10-11 and 16-19 have been maintained herein.

Rejections Under 35 U.S.C. §102 and §103:

Claim 9 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Katsura et al (U.S. 2002-008159, hereinafter "Katsura"). Claims 12-14 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Katsura. Claim 15 was rejected under 35 U.S.C. §103 as allegedly being

unpatentable over Katsura in view of Li (U.S. '044). Applicant respectfully traverses these rejections.

The present application is a divisional application claiming priority under 35 U.S.C. §120 from (parent) U.S. application no. 09/866,677 filed May 30, 2001. Katsura was filed in the U.S. Patent Office on June 25, 2001. Accordingly, Katsura is only effective as “prior art” as of its June 25, 2001 filing date. Since the present application is entitled to priority rights based on (parent) U.S. application no. 09/866,677 filed May 30, 2001 (i.e., before the June 25, 2001 filing date of Katsura), Katsura does not qualify as “prior art” with respect to the present application. It is therefore not believed necessary at this time to discuss the technological deficiencies of this document and hence the combination of this document with Li.

Applicant respectfully requests that the rejections of claims 9 and 12-15 be withdrawn.

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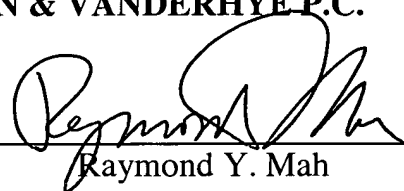
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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By: _____



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